

February 4, 2015

ARTICLE XX. To see if the Town will vote to amend the Zoning Bylaws as follows:

1. By inserting the following new definition into Section 2 Definitions after the definition of Home Occupation:

Large-scale Ground-mounted Solar Photovoltaic Installation (LGSPI): An installation consisting of solar photovoltaic panels that are mounted on the ground and have a minimal nameplate capacity (or output of electric power production) of 250 kW DC.

2. By adding a new Overlay District 3.1.1.3.e as follows:

3.1.1.3.e The LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION (LGSPI) OVERLAY DISTRICT

3. By adding a new Section 3.2.7 as follows:

3.2.7 Large-scale Ground-mounted Solar Photovoltaic Installation Overlay District

The location and boundaries of the Large-scale Ground-mounted Solar Photovoltaic Installation (LGSPI) Overlay District are hereby established in Section 5.6.2 of this bylaw.

4. By adding a new Section 5.6, as follows:

5.6 Large-scale Ground-mounted Solar Photovoltaic Installation (LGSPI) Overlay District

5.6.1 Purpose and Intent

The purpose and intent of Section 5.6 is to promote the creation of a large-scale ground-mounted solar photovoltaic installation (LGSPI) by providing standards for the placement, design, construction, operation, monitoring, modification, and removal that address public safety and minimize impacts on residential neighborhoods and scenic, natural, and historical resources, and to provide adequate financial assurance for the eventual decommissioning of such installations.

5.6.2 Description

The Large-scale Ground-mounted Solar Photovoltaic Installation (LGSPI) Overlay District shall consist solely of Parcel 0004 on Egremont Assessors Map 9, owned by the Town of Egremont, and located at 171 Egremont Plain Road.

5.6.3. Relationship to Other Districts

The LGSPI Overlay District modifies and, where there is inconsistency, supersedes the regulations of the underlying zoning district. Except as so modified or superseded, the regulations of the underlying districts remain in effect. Nothing in Section 5.6 should be construed to alter the Egremont Zoning Bylaw as to installation of solar photovoltaic systems as either principal uses (by special permit) or accessory uses in areas outside of the LGSPI Overlay District.

5.6.4 Applicability

Construction and use of an LGSPI may be authorized by Site Plan Review in the LGSPI Overlay District, subject to the requirements set forth in Sections 5.6.5 through 5.6.7. Site Plan Review shall mean that development of an LGSPI must conform to local zoning bylaws but may proceed without the need for a special permit, variance, amendment,

waiver, or other discretionary approval other than as provided in this Section 5.6. The Site Plan Review Authority in the LGSPI Overlay District is the Egremont Planning Board. Site plan approval must be obtained from the Site Plan Review Authority before a Building Permit is issued for any LGSPI.

5.6.5 Site Plan Review

Site Plan Review establishes criteria for the layout, scale, appearance, safety, and environmental impacts of a commercial LGSPI development in the LGSPI Overlay District in Egremont. Site Plan Review in Section 5.6 focuses on drainage, roadway construction, signage, screening, lighting, and other aspects of the proposal. The purpose of Site Plan Review is to regulate LGSPI use, not to prohibit it. The Site Plan Review Authority may not unconditionally deny the application but may impose reasonable conditions on it.

5.6.5.1 The LGSPI shall undergo Site Plan Review by the Egremont Planning Board prior to construction, installation, or modification as provided in this section.

5.6.5.2 In reviewing the Site Plan, the Site Plan Review Authority shall give due consideration to promoting the public health, safety, convenience, and welfare; shall encourage the most appropriate use of land. Environmental features of the site and surrounding areas shall be protected, and, specifically, surrounding areas shall be protected from the proposed use by provision of adequate surface water drainage.

5.6.5.3 Pursuant to the Site Plan Review process, the project proponent shall provide documents as follows:

- a.** All plans and maps shall be prepared, stamped, and signed by a professional engineer licensed to practice in Massachusetts.
- b.** A site plan shall be submitted to the Site Plan Review Authority showing:
 - i.** The parcel of land at the project site on a copy of the appropriate Egremont Assessors map.
 - ii.** Property lines and physical features, including roads, lot area, setbacks, open space, parking, and structure coverage for the project site.
 - iii.** Plans for the LGSPI and appurtenant structures, showing the proposed layout of the system, lighting, signage, utility connections, and transformers.
 - iv.** Proposed changes to the landscape of the site, including grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.
 - v.** Drainage plan showing how stormwater runoff will be managed on site for all areas where there is clearing of vegetation or a change in grade or soils, to comply with best management practices for stormwater management and to minimize erosion.
 - vi.** One- or three-line electrical diagram detailing the LGSPI, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices.
 - vii.** Plans for access to the project site.
- c.** Documentation by means of manufacturers specifications of the major system

components to be used, including, but not limited to, the photovoltaic panels, mounting system, and inverters.

- d. Name, contact information, and license verification for proposed system installers.
- e. Name, contact information, and signature of the project proponents, and of any agents representing the project proponents.
- f. An operation and maintenance plan.
- g. Liability Insurance: The owner or operator of an LGSPI shall provide the Town with a certificate of insurance showing that the property has a minimum of one million dollars in liability coverage, and that the Town of Egremont is an additional named insured thereon. Such a certificate shall be supplied annually when the policy is renewed.
- h. Financial Surety: The proponent shall provide a form of surety, through an escrow account, a bond, or otherwise, in a form satisfactory to the Site Plan Review Authority, to cover the cost of removal and remediation in the event that the town must remove the installation and remediate the landscape. The plan shall include a fully inclusive estimate of the cost of discontinuance, prepared by a qualified engineer, and including a mechanism for calculating increased costs resulting from inflation.
- i. The Site Plan Review Authority may hire an independent engineering firm to review the proponent's plan, at the proponent's expense, to assess the technical aspects of the plan and to determine if the estimated cost of removal and remediation is reasonable.
- j. The Site Plan Review Authority shall determine the number of copies of all documents to be submitted for review.

5.6.5.4 Specific provisions of Section 5.6.5.3 may be waived by the Site Plan Review Authority upon a determination that a waiver would not be inconsistent with the purpose and intent of Section 5.6, as set forth in Section 5.6.1.

5.6.6 Use Regulations

Large-scale ground-mounted solar photovoltaic installations shall conform to the following provisions:

5.6.6.1 An LGSPI may be erected in the LGSPI Overlay District upon the issuance of a building permit by the Building Inspector, after Site Plan Review by the Site Plan Review Authority.

5.6.6.2 An LGSPI, including security fences surrounding the installation, shall be set back from the property line by a distance of fifty (50) feet.

5.6.6.3 The height of any or all structures comprising the LGSPI shall not exceed fifteen (15) feet above the preexisting natural grade underlying each particular structure. The height of any or all structures may be increased to twenty (20) feet above the preexisting natural grade upon the proponent's demonstration of a reasonable necessity during Site Plan Review.

5.6.6.4 The visual impact of the LGSPI, including all accessory structures and appurtenances, shall be mitigated. All accessory structures and appurtenances

shall be architecturally compatible with each other. Whenever reasonable, structures shall be shielded from view, and they shall be joined and clustered to avoid adverse visual impacts. Landscaping, natural features, and fencing may be used to mitigate such visual impacts.

- 5.6.6.5** Lighting shall not be permitted at a LGSPI unless required by the State Building Code. Where used, lighting shall be directed downward, and full cutoff fixtures shall be used.
- 5.6.6.6** Reasonable efforts, as determined by the Site Plan Review Authority, shall be made to place all utility connections from the LGSPI underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
- 5.6.6.7** Clearing of natural vegetation shall be limited to the minimum necessary, as determined by the Site Plan Review Authority, for the construction, operation, and maintenance of the LGSPI, except as otherwise prescribed by applicable laws, regulations, and bylaws.
- 5.6.6.8** The owner or operator of the LGSPI shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, continued compliance with landscaping and screening requirements, and integrity of security measures. The owner or operator shall be responsible for the maintenance of any access roads serving the installation.

5.6.7 Discontinuance

An LGSPI shall be deemed to have been discontinued if it has been out of service for a continuous 12-month period. Upon receipt of a Notice of Discontinuance from the Building Inspector, the owner shall have the right to respond to the Notice within 30 days of receipt. The Building Inspector shall withdraw the Notice of Discontinuance and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates to the satisfaction of the Building Inspector that the LGSPI has not been discontinued. If the LGSPI installation is determined to be discontinued, the owner shall remove the installation, including all structures, equipment, security barriers, and transmission lines, and shall stabilize or re-vegetate the site as necessary to minimize erosion, at the owner's sole expense, within three months of receipt of the Notice of Discontinuance. Failure to remove the installation and stabilize the site within said time period may subject the owner to enforcement under Section 7 of this bylaw and allow the town to use the financial surety provided in Section 5.6.5.3.h to remediate the site.

or to take any other action in relation thereto.